



STATE OF New York
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Wing v. C.O. Myers, et al, 18-CV-11056 (PMH)

Application granted.

In light of counsel's explanation, the deadline for Defendants to re-file and re-serve their motion for summary judgment on Plaintiff is extended to April 12, 2021. Plaintiff's time to oppose the motion for summary judgment is extended to May 12, 2021. Defendants' reply papers, if any, shall be filed and served on May 19, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 48 and to mail a copy of this Order to Plaintiff.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 9, 2021

Dear Judge Halpern:

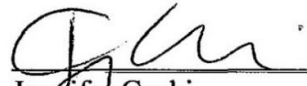
This Office represents the defendants in the above –captioned pro se matter. I was formerly assigned to defend this action. I write today to respectfully request that the Court grant an extension on the time to re-file the motion for summary judgment in this case until next week on Monday April 12, 2021.

The reason for this request is that defendants' motion for summary judgment, as well as the accompanying documents, declarations, and memorandum of law was served by mail on the plaintiff on August 17, 2020. However, in error, I neglected to file the affidavit proving that service had been effectuated by mail on the docket. By letter dated March 26, 2021 I filed the affidavit of service and asked for the Court to either accept the original motion for summary judgment as served properly, or in the alternative to grant leave to refile the motion for summary judgment. The Court, on March 29, 2021, Ordered that the motion for summary judgment could be refiled, with proof of service, by March 31, 2021. (Dkt. No. 46).

I sincerely apologize for neglecting to see the Court's order to re-file by March 31, 2021 until today. I recently have been transferred to another unit, in another office, within the criminal division of the OAG Office. Since I was formerly in the Westchester Regional Office and it is a very small office, there was no one to transfer my substantial case load to until a replacement was hired for me. I have tried my absolute best to keep these cases moving along until my replacement is able to take them over while also starting my new job. A new attorney has now been hired and will be starting next week. Unfortunately, during this transition time, the deadline on this case to refile my motion was not met. Additionally, I would be happy to travel to my old office to make additional paper copies to serve on the inmate on this case as soon as tomorrow, however due to COVID restrictions, the Westchester Regional Office is completely closed on Fridays so the earliest I can return to my old office to make these copies and serve them would be Monday. Thank you for considering this request.

Respectfully submitted,

By:



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EXHIBIT A